

Application No. 10/675,656  
Docket No. 451194-041-D1  
Amendment in Response to Office Action mailed 9/23/2005  
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### REMARKS/ARGUMENTS

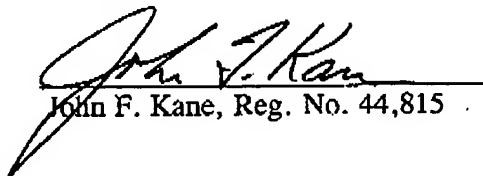
Claims 1-20 are pending in this application. The present application is a divisional application of U.S. Patent Application No. 09/778,645, now U.S. Patent No. 6,627,223.

Claims 1-20 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,627,223 (the '223 patent) in view of U.S. Patent No. 5,026,559. Applicants respectfully submit that the '223 patent is not available as a reference against the pending application under 35 U.S.C. §121. 35 U.S.C. §121 prohibits the use of a patent issuing on an application with respect to which a requirement for restriction has been made as a reference against any divisional application. See MPFP §804.01. The claims pending in the current application were subject to a restriction requirement in the parent application. Therefore, the '223 patent, which was granted based on the parent application, is not available as a reference against the present application. Therefore, applicants respectfully request that the double patenting rejection be withdrawn.

Claims 1-20 also stand rejected as being obvious over the '223 patent. For the same reasons as set forth above, applicants respectfully submit that the '223 reference cannot be used as a reference against the present divisional application. Therefore, for at least this reason, applicants request that the rejection under 35 U.S.C. §103(a) be withdrawn.

In view of the foregoing, it is respectfully submitted that all of the pending claims are in condition for allowance and favorable action on the merits is requested. Any questions concerning this application may be directed to applicant's undersigned attorney at the telephone number indicated below.

Respectfully submitted,



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